HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8994 OF 2005.

Mallikarjun Baburao Kadukar & others. ..Petitioners.

Versus.

Shivaji Ramachandra Kadukar & others. ..Respondents.

Shri. M. R. Suryawanshi for the Petitioners.

CORAM: S.B.MHASE, J.

DATE : MARCH 16, 2006.

P.C.

1. Heard. Perused paragraph 15 of the Appellate Court judgment. On perusal of the said paragraph, it transpires that the fact in respect of the pendency of Regular Civil Suit No. 133 of 1991 between the same parties is not disclosed. It further appears that in spite of knowledge of the pendency of the said suit, the plaintiff has purchased the property. In view of the suppression of the material fact, the Courts below have rightly refused the temporary injunction. Therefore, no interference is called for. Petition is hereby rejected.

(S.B.MHASE, J.)